

Exhibit A

IN THE COURT OF COMMON PLEAS  
FAYETTE COUNTY, OHIO

ETHAN MAAG	)	CASE NO:
9500 State Route 38 NE	)	
Bloomington, Ohio 43106	)	JUDGE
Plaintiff,	)	
v.	)	<b><u>COMPLAINT FOR INJUNCTIVE</u></b>
LOVE'S TRAVEL STOPS &	)	<b><u>RELIEF AND DAMAGES</u></b>
COUNTRY STORES, INC.	)	
<u>13023 US 35</u> , Jeffersonville, Ohio 43218	)	
	)	
Defendant.	)	<u>(Jury Demand Endorsed Herein)</u>

Plaintiff, Ethan Maag, by and through undersigned counsel, as his Complaint against Defendant, states and avers the following:

**INTRODUCTION**

1. Ethan Maag is a Fayette County, Ohio resident.
2. Defendant Love's Travel Stops & Country Stores, Inc. ("Love's") is Foreign Corporation that maintains a place of business located at 13023 US 35, Jeffersonville, Ohio 43218.
3. Love's is an "employer" within the meaning of Ohio Rev. Code § 4112.
4. The conduct and injuries giving rise to the claims below arose in Fayette County, Ohio.
5. Personal jurisdiction is proper over the Defendant pursuant to Ohio Revised Code §2307.382(A)(1)
6. Venue is proper pursuant to Civ.R. 3(B)(3).
7. This Court is a court of general jurisdiction over all subject matters of this Complaint and the claims presented herein.

8. Within 300 days of the conduct alleged below, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), specifically, Charge No. 532-2022-03155, which was dual filed with the Ohio Civil Rights Commission (“OCRC”).
9. On February 1, 2023, Maag received a Right to Sue letter, dismissing Charge No. 532-2022-03155, in accordance with 42 U.S.C. 2000e-5(f)(1), attached as Exhibit A.
10. Maag has properly exhausted his administrative remedies.
11. Maag files this Complaint within 90 days of receiving his Right to Sue letter from the EEOC.

### **FACTUAL ALLEGATIONS**

12. Maag incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.
13. Maag is disabled.
14. Maag is missing an arm, and has two prosthetic legs,
15. Maag was hired by Love’s as a diesel mechanic in or around March 2022.
16. Maag is able to perform all the functions of a diesel mechanic position with reasonable accommodations.
17. After working for Love’s for a few months, Maag’s co-workers began calling him disparaging names because of his disability.
18. Maag’s co-workers called him a “handicapped mother fucker.”
19. Maag’s co-workers called him “Forest Gump.”
20. Maag’s co-workers called him “gimps.”
21. Maag’s co-workers called him “disabled bastard.”
22. Maag’s co-workers called him “strong arm.”
23. Maag’s co-workers called him “limper.”

24. Maag's co-workers called him "one arm bandit."
25. Maag would occasionally remove his prosthetic legs when working on vehicles.
26. When Maag removed his prosthetic legs, his co-workers would take them, play with them, and/or move them farther away from Maag so that he would have to struggle to get to them to put them back on.
27. Maag complained to the general manager, Joe Castile, about the hostile work environment based on his disability.
28. Maag complained to the assistant manager, Trevor Daniels, about the hostile work environment based on his disability.
29. Maag complained to the store manager, Sean Wall, about the hostile work environment based on his disability.
30. Maag's managers did not address and correct the harassment based on his disability.
31. Maag's managers began participating in the harassment based on Maag's disability and calling him disparaging names as well.
32. In August 2022 Maag's schedule changed so that he no longer worked on Wednesdays.
33. Daniels called Maag on Wednesday the 17th, and became upset because Maag did not answer his calls.
34. On August 18, 2022, Maag was terminated for purportedly being a no-call/no-show on Wednesday, which was actually his day off.
35. Maag was terminated because he is disabled, or alternatively, because he opposed the hostile work environment based on disability.

**COUNT I: HOSTILE WORK ENVIRONEMENT BASED ON DISABILITY**

36. Maag incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.
37. Maag is disabled and, as such, a member of a statutorily protected group, pursuant to Ohio Rev. Code § 4112.
38. Ohio Rev. Code § 4112 provides that it is an unlawful discriminatory practice for an employer to discriminate against an employee on the basis of the employee's disability.
39. Maag was subjected to harassment in the form of unwelcome conduct and ableist language based on his disability.
40. The harassment of Maag interfered with his work performance by creating an environment that was intimidating, hostile, or offensive.
41. Defendant knew of the harassing conduct but failed to take prompt corrective action.
42. As a direct result of Defendant's unlawful conduct, Maag suffered and continues to suffer pecuniary harm and emotional distress.

**COUNT II: RETALIATION**

43. Maag incorporates by reference the allegations from the preceding paragraphs, as if fully restated herein.
44. Defendant terminated Maag in retaliation for Maag's engagement in activity protected by Ohio Rev. Code § 4112.
45. Defendant's termination of Maag was in contravention of Ohio Rev. Code § 4112.
46. As a direct result of Defendant's unlawful conduct, Maag suffered and continues to suffer pecuniary harm and emotional distress.

**PRAYER FOR RELIEF**

Plaintiff, Ethan Maag, seeks judgment against the Defendant in an amount in excess of \$25,000 to fully, fairly, and justly compensate him for injury, damage, and loss, and respectfully prays that this Court enter judgment in his favor and award him past economic and non-economic compensatory damages, fringe benefits, consequential damages, incidental damages, punitive damages, liquidated damages, interest, all reasonable attorney's fees, costs and expenses, and any additional legal or equitable relief available under law, including, but not limited to back pay, future losses, reinstatement, and promotion.

Respectfully Submitted,

/s/ Claire I. Wade

Claire I. Wade (0093174)

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*Attorney for Plaintiff Ethan Maag*

**JURY DEMAND**

Plaintiff Ethan Maag demands a trial by jury by the maximum number of jurors permitted.

/s/ Claire I. Wade

Claire I. Wade (0093174)

*Attorney for Plaintiff*